

REMARKS

Claims 1-19 are pending in the present application. Claim 6 was objected to under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of the previous claim. Claims 1, 3-5, 7-8, 10, 14 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Modlin et al., U.S. Patent No. 6,326,605 B1. Claims 2, 11-12 and 17-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modlin et al. in view of Blumberg et al., U.S. Patent No. 3,973,129. Claims 6, 9 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modlin et al. in view of Denk et al., U.S. Patent No. 5,034,613. Claims 13 and 19 were indicated as being allowable if rewritten in independent form.

Claims 1, 3, 8, 10, 14 and 18 have been amended. Claims 2, 5-6, 9, 11-13, 15 and 17-19 have been canceled. Reconsideration of the application is respectfully requested.

Certified copy of priority document

A certified copy of German priority document DE 102 28 374.5 is submitted herewith.

Supplemental Information Disclosure Statement

A supplemental information disclosure statement including Form PTO-1449 is submitted herewith for the Examiner's consideration.

Objection under 37 CFR §1.75(c)

Claim 6 was objected to under 37 CFR §1.75(c) as being of improper dependent form for failing to further limit the subject matter of the previous claim. Claim 6 has now been canceled.

Withdrawal of the objection to claim 6 under 37 CFR §1.75(c) is respectfully requested.

Rejections under 35 U.S.C. §102(b), 103(a)

Claims 1, 3-5, 7-8, 10, 14 and 16 were rejected under 35 U.S.C. §102(b) as being anticipated by Modlin et al., U.S. Patent No. 6,326,605 B1. Claims 2, 11-12 and 17-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modlin et al. in view of Blumberg et al., U.S. Patent No. 3,973,129. Claims 6, 9 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Modlin et al. in view of Denk et al., U.S. Patent No. 5,034,613.

Claims 2, 5-6, 9, 11-13, 15 and 17-19 have now been canceled.

Claim 1 has now been amended to include the features "removing the light components using a spectral filter so as to provide influenced illuminating light" and "allowing, using a further spectral filter, only light of the wavelengths of the detection spectral region to arrive at the detector, the further spectral filter being inverse with respect to the spectral filter." These features correspond to features in allowable claims 13 and 19. It is respectfully submitted that amended claim 1 and its remaining dependant claims 3, 4 and 7 are allowable for the same reasons that allowable claims 13 and 19 are.

Independent claim 8 has now been amended to include the limitations of allowable claim 13 and intervening claims 11 and 12, and to remove the feature "the illuminating light contains no light from the detection spectral region having the same polarization properties," which is not believed necessary to the patentability of amended claim 8.

Independent claim 14 has now been amended to include the limitations of allowable claim 19 and intervening claims 17 and 18, and to remove the feature "the illuminating light contains no light from the detection spectral region having the same polarization properties," which is not believed necessary to the patentability of amended claim 14.

Withdrawal of the respective rejections of independent claims 1, 8 and 14, as well as respective dependent claims 2-7, 9-12 and 15-18, under 35 U.S.C. §102(b) or §103(a) based on Modlin et al. alone or in combination with Blumberg et al. or Denk et al., is respectfully

requested.

Allowable subject matter

Claims 13 and 19 were indicated as being allowable if rewritten in independent form. Applicant gratefully acknowledges this indication of allowability. Claims 8 and 14 have accordingly been amended to include the limitations of allowable claims 13 and 19, respectively. Additionally, the feature "the illuminating light contains no light from the detection spectral region having the same polarization properties" has been deleted from claims 8 and 14, as this feature is believed to be unnecessary for the patentability of claims 13 and 19.

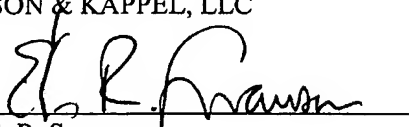
CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____


Erik R. Swanson
Reg. No. 40,833

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940